

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.41687-M of 2006

Date of Decision:- 17.05.2007

Chanan Singh & ors.

....Petitioner(s)

through

Mrs.Kiran Bal Jain, Advocate

vs.

State of Haryana & anr.

....Respondent(s)

through

Mr.Pawan Kumar, AAG, Haryana for
No.1.

Mr.Kapil Aggarwal, Advocate for No.2.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.159 dated 10.4.2003 under Sections 498-A/406 IPC registered at Police Station, Ambala City. Though the petition has been filed on behalf of three petitioners, however, when it came up for preliminary hearing on July 20, 2006, the same was pressed on behalf of petitioner No.1 only.

The above-stated F.I.R. has been registered on a complaint made by respondent No.2. Petitioner No.1 is her father-in-law.

One of the contentions raised on behalf of petitioner No.1 is that he is more than 65 years of age and is physically disabled.

Since most of the contentions are founded upon disputed questions of fact which cannot be gone into in these proceedings, this

petition is disposed of with liberty to petitioner No.1 to raise his contentions before the learned trial Court at an appropriate stage and the same shall be gone into in accordance with law. However, having regard to the age and physical disability of petitioner No.1, liberty is granted to him to move an application for his exemption from personal appearance and if any such application is moved by him, the learned trial Court is directed to grant him exemption from personal appearance, however, subject to the following conditions that he:-(i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute his identity as an accused; (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel; (v) shall keep on appearing before the trial Court as and when required; and (vi) any other condition which the learned trial Court may impose.

May 17, 2007
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(SURYA KANT)
JUDGE